



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, FRIDAY, JUNE 15, 2007

No. 97

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, may Your Name be magnified. Today, give our lawmakers the wisdom to put their trust in You. Help them to accept Your guidance and seek Your insights. Keep them from being intimidated by the many challenges they face, infusing them with confidence in Your power. Make them so sure of Your presence that no task may be too wearisome for them and no setback too daunting. Let their faith lead them away from strife and division as they find unity for the good of the Nation and world. May they depend unswervingly upon Your unlimited goodness.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 15, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE,

a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, we will shortly resume consideration of the energy legislation. There are no rollcall votes scheduled today. We have heard from a number of Senators on both sides of the aisle of their desire to come and offer amendments. The managers of the bill have indicated they are willing to set amendments aside to move on that. I think that is appropriate.

There will also be no rollcall votes on Monday. This has been a long schedule, but it is, again, my hope that Members will take that opportunity to come offer and debate amendments on this energy legislation.

Sometime next week—and I will meet and discuss this with the distinguished Republican leader—if this debate doesn't speed up and more amendments are not offered, then we will have to see if we can move to end the debate and finish this legislation.

There are issues that are important. There has to be some decision, a finality made with regard to the pieces of the bill that are so important, such as the renewable portfolio standard, the CAFE standards, and there is also interest in coal-to-liquid and the different ways that can be done.

As I understand it, those are the three big issues, so I would hope Members who have those issues, whether

amendments or whatever else they want to focus their attention on, would do so. The American people want us to do something dealing with energy. This is a good bipartisan bill, and I would hope Members would understand this is their time to come and offer amendments.

I would also note, as indicated in the morning press, that Senator McCONNELL and I met last evening with a bipartisan group of Senators regarding immigration, and we now have a pathway forward on that. When we finish the energy legislation, we will move to that legislation. I think we have now an agreed-upon number of amendments that will be offered by Republicans and Democrats and we should get to that sometime next week.

We are going to finish that legislation and the energy legislation prior to our having our Fourth of July recess. I would also indicate to all Senators and staffs, it is Friday, and I know that a lot of times—I would not say a lot of times but on a number of occasions—I have indicated we might have to work weekends. I know this causes a lot of stress to folks. But everyone should know that to complete this bill and to complete the immigration bill will require next weekend, without any question, next weekend, Saturday and Sunday.

Now, of course, it is always possible that through unanimous consent certain work that could be done in 1 day could be put over to another day, and I understand that. But Senators should understand this is the real thing. If we are going to finish these two bills, which both the Republican leader and I think is absolutely mandatory and essential, Senators should be advised that next Saturday and Sunday, which means the preceding Friday, which is a week from today, and a week from Monday, we will be in session.

We only have 2 weeks left in this work period, and I hope we don't have to run into the Fourth of July recess

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S7779

period, which is only 1 week long. We have a number of things we are going to try to do this morning. We are going to get to a couple of judges. We hope to pass those. We have a number of other things we need to do. We have so many things we need to complete, but a lot of them are very complicated and difficult, such as the Energy bill and immigration. At least we have a pathway forward on these, and I think we can work them out.

It goes without saying that if we are able to complete these prior to the Fourth of July recess, that would be fine. But if we can't, the Fourth of July recess will take second fiddle to these important pieces of legislation.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

#### CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

Pending:

REID AMENDMENT NO. 1502, IN THE NATURE OF A SUBSTITUTE.

Reid (for Bingaman) amendment No. 1537 (to amendment No. 1502), to provide for a renewable portfolio standard.

Klobuchar (for Bingaman) amendment No. 1573 (to amendment No. 1537), to provide for a renewable portfolio standard.

Bingaman (for Klobuchar) amendment No. 1557 (to amendment No. 1502), to establish a national greenhouse gas registry.

Kohl amendment No. 1519 (to amendment No. 1502), to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Kohl (for DeMint) amendment No. 1546 (to amendment 1502), to provide that legislation that would increase the national average fuel prices for automobiles is subject to a point of order in the Senate.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1608 TO AMENDMENT NO. 1502

Mr. CORKER. I ask unanimous consent the pending amendment be tempo-

rarily laid aside so I may offer amendment No. 1608.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. Mr. President, I understand this is all right with the other side, so we have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1608 to amendment No. 1502.

Mr. CORKER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow clean fuels to meet the renewable fuel standard)

In section 102(1)(B)(v), strike "and" at the end.

In section 102(1)(B)(vi), strike the period at the end and insert "; and".

At the end of section 102(1)(B), add the following:

(vii) after December 31, 2015, any fuel that—

(I) is not derived from crude oil; and

(II) achieves—

(aa) as compared to conventional gasoline, lifecycle emission reductions of 2 or more air pollutants, including—

(AA) sulfur dioxide;

(BB) nitrogen oxides;

(CC) carbon monoxide;

(DD) particulate matter with a diameter smaller than 10 microns; and

(EE) volatile organic compounds; and

(bb) a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline.

In section 102, redesignate paragraphs (3) through (7) as paragraphs (4) through (8), respectively, and insert between paragraphs (2) and (4) (as so redesignated) the following:

(3) CLEAN FUEL.—The term "clean fuel" means motor vehicle fuel, boiler fuel, or home heating fuel that—

(A) is not derived from crude oil;

(B)(i) as compared to conventional gasoline, has lower lifecycle emissions of 2 or more air pollutants, including—

(I) sulfur dioxide;

(II) nitrogen oxides;

(III) carbon monoxide;

(IV) particulate matter with a diameter smaller than 10 microns; and

(V) volatile organic compounds; or

(ii) achieves a 20-percent reduction in lifecycle greenhouse gas emissions compared to conventional gasoline; and

(C) has lower lifecycle greenhouse gas emissions than conventional gasoline.

In section 102, strike paragraph (6) (as so redesignated) and insert the following:

(6) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel or fuel mixture used to operate a motor vehicle, boiler, or furnace.

(B) INCLUSION.—The term "renewable fuel" includes—

(i) conventional biofuel;

(ii) advanced biofuel; and

(iii) clean fuel.

In section 111(a)(1)(B)(i)(II), insert "(other than clean fuels)" after "renewable fuels".

Mr. CORKER. Mr. President, if we are serious about energy security and reducing our dependence on foreign oil and our consumption of gasoline, we have to, through our energy legislation, encourage a variety of fuels and technologies. Current law requires 5.4 billion gallons of renewable fuel in 2008, and 7.5 billion gallons in 2012. The underlying bill on the floor today increases the amount to 8.5 billion gallons in 2008 and 36 billion gallons by the year 2022.

The underlying bill focuses on renewable fuels, including ethanol from corn and cellulosic ethanol, and I think that is outstanding. I am so proud the State of Tennessee is going to be playing a very large role in our country meeting those objectives.

The amendment I am offering expands the renewable fuel standard by adding a clean fuel definition so any fuel meeting criteria may be a part of the 36 billion gallon mandate. It does not in any way strike or replace the underlying fuels that qualify.

To qualify as a clean fuel under this amendment, a fuel must meet the following requirements: not be derived from crude oil, and achieve life cycle greenhouse gas emission reductions that are better than the life cycle greenhouse gas emissions of conventional gasoline.

In addition, on top of what I just said, it must meet one of the following requirements: achieve a life cycle emission reduction compared with conventional gasoline of two or more criteria pollutants. Those pollutants include sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, and particulate matter with a diameter smaller than 10 microns; and achieve a life cycle greenhouse gas emission reduction of 20 percent compared to conventional gasoline.

Under no circumstances per this amendment can a fuel qualify if its greenhouse gas emissions are not less than conventional gasoline and if it is derived from crude oil. In other words, crude oil products do not qualify and the life cycle greenhouse gas emissions have to be less than conventional gasoline.

In addition, a clean fuel may participate in the advanced biofuels carve-out beginning in 2016 if it meets the following requirements: not derived from crude oil, achieves a life cycle emission reduction compared to conventional gasoline of two or more criteria pollutants including sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds, and particulate matter with a diameter smaller than 10 microns and, the other hurdle, achieves life cycle greenhouse gas emission reductions of 20 percent compared to conventional gasoline.

We have a number of technologies that are being pursued today that could meet the solutions our country needs to pursue. While I am a tremendous fan of much of what is happening right now with ethanol—again the